

ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Seventh Legislature
OF THE
STATE OF NEW JERSEY



1996

New Jersey State Library

EXECUTIVE ORDERS

(1135)

EXECUTIVE ORDER NO. 45

WHEREAS, Severe weather conditions of January 7, 1996 caused by snow and blizzard conditions, including hazardous road conditions, high tides and coastal flooding in the State of New Jersey; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled in its entirety by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App.A: 9-30 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A.38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers.

THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a State of Emergency has and presently exists in the entire State of New Jersey.

NOW THEREFORE, in accordance with the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4), I hereby authorize the Adjutant General of the New Jersey National Guard to order to active duty such members of the New Jersey National Guard that, in his judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251 as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, municipal or county road, including the right to detour, reroute

or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety and welfare of the public.

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

FURTHERMORE, the Superintendent of the Division of State Police is hereby authorized to order the evacuation of all persons, except for those emergency and governmental personnel whose presence he deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by the emergency.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of men, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

This order shall take effect immediately and it shall remain in effect until such time as it is determined that an emergency no longer exists.

Dated January 7, 1996.

EXECUTIVE ORDER NO. 46

WHEREAS, Executive Order No. 45, declaring a state of emergency, was issued on January 8, 1996 because of severe weather conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a state of emergency has eased;

THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, announce that the state of emergency is hereby terminated effective at noon on January 13, 1996.

I wish to express my appreciation to the people of New Jersey for the manner in which they cooperated during this emergency and to the law enforcement and other emergency response personnel of the State for their untiring efforts.

Dated January 12, 1996.

EXECUTIVE ORDER NO. 47

WHEREAS, The President of the United States has authorized the deployment of United States military forces to Bosnia and surrounding locations as part of a NATO and multinational peacekeeping force, in accordance with law; and

WHEREAS, The President has authorized the Secretary of Defense to call up select members of the Reserve and National Guard to active duty, and has authorized the Secretary of Transportation to call up members of the Coast Guard Reserve; and

WHEREAS, Reserve and National Guard members who are activated during these crises serve a vital national interest for which they deserve the full support of the citizens of this State; and

WHEREAS, The State of New Jersey recognizes that a strong, ready Reserve and National Guard are essential to the defense of this country and vital to this State in times of emergency; and

WHEREAS, The State of New Jersey recognizes the personal and economic sacrifices of its employees serving in the Reserve and the National Guard who are called to active duty during the Bosnian Peacekeeping Mission;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. New Jersey State employees who are called to active duty during the Bosnian Peacekeeping Mission shall be entitled upon termination of active duty to return to State employment with full seniority and benefits consistent with State and federal military reemployment and seniority rights.

2. During active duty for the duration of their activation in these crises, these State employees shall be entitled to receive a salary equal to the differential between the employee's State salary and the employee's military pay.

3. These State employees shall be entitled to State employee health benefits, life insurance and pension coverage during active duty service for which they receive differential salary as prescribed in this Order as if they were on paid leave of absence.

4. The Commissioner of Personnel shall implement this Executive Order and each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commissioner of Personnel and to make available to the Commissioner such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Dated February 29, 1996.

EXECUTIVE ORDER NO. 48

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain overcrowded; and

WHEREAS, On April 4, 1994, the State Legislature enacted P.L.1994, c.12, which declared a continuing state of emergency in the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections and conferred upon the Governor the authority to issue executive orders, for a period not to exceed 2 years, to address the effects of the continuing state of emergency declared therein; and

WHEREAS, On April 4, 1994, Executive Order No. 16 was issued pursuant to P.L.1994, c.12 to address the effects of the continuing state of emergency in the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections; and

WHEREAS, From April 1994, until this month, the total adult inmate population of State-sentenced inmates has increased from 23,608 to 27,950; and

WHEREAS, From April 1994, until this month, the total adult inmate population of State-sentenced inmates housed in county jails has increased from 4,020 to 4,517; and

WHEREAS, In April 1994, the State's adult and youth correctional institutions were operating at 134.3 percent of design capacity and are presently operating at 148.1 percent of design capacity; and

WHEREAS, The State's correctional system is receiving 100 more inmates per month than it is releasing from the system; and

WHEREAS, These conditions exist despite the addition of 2,145 beds to the State's correctional system since the issuance of Executive Order No. 16; and

WHEREAS, Since April 1994, various initiatives have been implemented by the Department of Corrections as alternatives to incarceration to help lessen the State's inmate population; and

WHEREAS, Efforts are continuing to address the problem, including the anticipated opening of Phase I of a new prison facility by March 1997 that will house 1,000 State-sentenced inmates; and

WHEREAS, The State continues to make a good faith effort to reduce the population of State-sentenced inmates in county facilities; and

WHEREAS, Despite best efforts, overcrowding conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State and continues to warrant a centralized management approach to inmate housing assignments; and

WHEREAS, The overcrowding conditions specified in Executive Order No. 16 of April 4, 1994, continue to create a state of emergency in

the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections; and

WHEREAS, P.L. 1994, c.12 and Executive Order No. 16 expire on April 4, 1996; and

WHEREAS, The State Legislature, by enactment of P.L.1996, c.9, has declared that the state of emergency in the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections, which was declared pursuant to P.L.1994, c.12, continues; and

WHEREAS, The State Legislature, by enactment of P.L.1996, c.9, has extended the Governor's authority to issue executive orders pursuant to that act to address the effects of the continuing state of emergency declared therein;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT as follows:

1. I invoke such powers as are conferred upon me by P.L. 1996, c.9.
2. I hereby direct that the authority to designate the place of confinement of any State-sentenced inmate shall be exercised for the duration of this Order by the designee of the Governor to address the emergency conditions within the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections.
3. I hereby designate the Commissioner of the New Jersey Department of Corrections (the "Commissioner") to effectuate the provisions of this Order.
4. The Commissioner may designate as a place of confinement any available, suitable and appropriate institution or facility, whether owned by the State, a county, or any political subdivision of this State, or any other person, for the confinement of inmates confined or to be confined in the State and/or county penal or correctional institutions.

5. The Commissioner shall consult with the appropriate county officials prior to implementation of any substantial change in the population of State-sentenced inmates housed in that county.

6. The Commissioner shall have full authority to adopt such rules, regulations, orders and directives as he shall deem necessary to effectuate the provisions of this Order.

7. The Commissioner is authorized to establish rates of compensation for counties that house State-sentenced inmates as he deems appropriate.

8. This Order shall take effect immediately.

Dated March 28, 1996.

EXECUTIVE ORDER NO. 49

WHEREAS, Violence in the workplace is a growing concern at all levels of government; and

WHEREAS, Violence against employees can take many forms including harassment, threats and physical acts of violence; and

WHEREAS, The State of New Jersey recognizes its obligation to provide a safe, respectful and harmonious work environment for each of its employees; and

WHEREAS, Each employee has the right to a workplace free from violence and threats of violence; and

WHEREAS, Because of the unique nature of their work, government employees may be at increased risk of violence in the workplace; and

WHEREAS, The Department of Personnel has conducted relevant research on workplace violence and is responsible for all aspects of employment and employee development on behalf of the citizen-employees in State departments, agencies and organizations;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The policy of the State of New Jersey shall be that harassment, intimidation, violence or threats of violence by or against its employees shall not be tolerated, and that the State of New Jersey shall not tolerate any violence or threats of violence against any State property or installation.

2. The Commissioner of Personnel shall recommend strategies for prevention, action and reaction to incidents of workplace violence and provide each department, office, division or agency of State government with technical assistance and/or consultative services in order to implement this policy.

3. This Order shall take effect immediately.

Dated April 17, 1996.

EXECUTIVE ORDER NO. 50

WHEREAS, Fraud exists in all corners of the health marketplace and is perpetrated on and by consumers, health care facilities, practitioners, insurance companies and others. Nationally, as much as 50 billion health care dollars are lost each year to fraud in various forms, including false claims, fraudulent subcontracts, unreliable billing practices, excessive salaries, bribery, tax evasion and kickbacks; and

WHEREAS, Ultimately the members of the public, as consumers and taxpayers, bear the cost of these fraudulent activities since providers and insurers shift the cost to government, employers and to those who can afford insurance, while too often the poorest members of society are left with inadequate medical services; and

WHEREAS, Health care is a large and profitable business and presents a significant opportunity for financial gain in which any lack of effective regulatory and legal controls and enforcement mechanism invites fraud; and

WHEREAS, New Jersey cannot wait for the conclusion of the national dialogue to decide how best to allocate scarce health care resources, achieve access to quality care for all New Jersey citizens and rid the marketplace of fraud; and

WHEREAS, New Jersey must ensure that its regulatory and legal efforts are as strong and effective as possible in both preventing health care fraud and in identifying and prosecuting such fraud where it exists; and

WHEREAS, There have been enforcement successes in the ongoing battle against health care fraud, including the investigation and prosecution of alleged broad based schemes involving fraudulent insurance claims submitted by health care providers and others to private insurance companies, self-funded insurance programs and the Medicaid program. More, however, needs to be done; and

WHEREAS, Health care fraud will be better policed by a broad “systematic” approach and greater coordination of prevention and enforcement efforts;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The establishment of the Health Care Fraud Task Force (the “Task Force”), which shall function as the policy development body for the Executive Branch in establishing a comprehensive health care fraud enforcement plan.

2. The Task Force shall identify and catalogue the forms of health care fraud existing within the New Jersey marketplace and identify all Executive Branch agencies and resources currently involved or which should be involved in health care fraud prevention and enforcement.

3. The Task Force shall identify priority prevention and enforcement areas, as well as design and implement coordination strategies among all Executive Branch agencies for the centralized investigation and prosecution of all civil and criminal cases involving significant or widespread fraud in the health care industry, as well as strategies for the effective handling and disposition of other cases.

4. The Task Force shall develop and recommend an Executive Branch budget for the support of a comprehensive and effective health care fraud prevention and enforcement strategy from existing resources and identify emerging technologies necessary for an effective and comprehensive strategy.

5. The Task Force shall design and implement measures (1) to educate the public and health care industry, and in particular to eliminate their tolerance of health care fraud and (2) to reduce the opportunities for individual gain through fraudulent health care practices.

6. The Task Force shall develop ongoing outreach activities with the industries and professions which make up the health care delivery system to insure that the needs and concerns of those entities are reflected in the comprehensive health care fraud enforcement plan.

7. Finally, the Task Force shall identify statutory, regulatory and administrative changes or improvements related to health care fraud prevention and enforcement.

8. The Task Force shall consist of the Attorney General, who shall serve as chairperson of the Task Force; the Treasurer; the Commissioner of Health; the Commissioner of Insurance; and the Commissioner of Human Services.

9. The Task Force shall report to me periodically regarding its progress in establishing a comprehensive health care fraud enforcement plan. The first report shall be issued no later than six months following the date of this Order, and the second report no later than one year following the date of this Order. Subsequent reports as to status of the plan shall be issued every year thereafter.

10. This Order shall take effect immediately.

Dated May 28, 1996.

EXECUTIVE ORDER NO. 51

WHEREAS, An Executive Reorganization for the transfer, consolidation and reorganization of all senior services within the Department of Health and the redesignation of the Department of Health as the

Department of Health and Senior Services was filed with the Legislature on May 2, 1996 as Reorganization Plan No. 001-1996; and

WHEREAS, Reorganization Plan No. 001-1996 was to become effective on July 1, 1996 or at such later date as the Governor may establish, if not disapproved by the Legislature; and

WHEREAS, July 6, 1996 begins the first State employee pay period in Fiscal Year 1997; and

WHEREAS, It is necessary to delay the effective date of certain provisions of Reorganization Plan No. 001-1996 until July 6, 1996 due to personnel changes in the Department of Health as a result of the Fiscal Year 1997 State Budget;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution, by the Statutes of this State and by Reorganization Plan No. 001-1996, do hereby ORDER and DIRECT:

1. That the effective date of the provisions of Reorganization Plan No. 001-1996 that transfer employees to the Department of Health and Senior Services shall be July 6, 1996.

2. This Order shall take effect immediately.

Dated June 28, 1996.

EXECUTIVE ORDER NO. 52

WHEREAS, an Executive Reorganization Plan transferring the Division of the State Library in the Department of Education to the Department of State was filed with the Legislature on May 2, 1996 as Reorganization Plan No. 002-1996; and

WHEREAS, Reorganization Plan No. 002-1996 was to become effective on July 1, 1996 or at such later date as the Governor may establish, if not disapproved by the Legislature; and

WHEREAS, It is necessary to delay the effective date of Reorganization Plan No. 002-1996 until July 6, 1996 due to personnel changes in the Department of State as a result of the FY'97 State Budget;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution, by the Statutes of this State and by Reorganization Plan No. 002-1996, do hereby ORDER and DIRECT:

1. That the effective date for Reorganization Plan No. 002-1996, which transfers the Division of the State Library in the Department of Education to the Department of State, shall be July 6, 1996.

2. This Order shall take effect immediately.

Dated June 28, 1996.

EXECUTIVE ORDER No. 53

WHEREAS, Severe weather conditions on June 12 through June 24, 1996 caused torrential thunderstorms, hailstorms, tornadoes and high winds which produced severe flooding, loss of life and widespread destruction of buildings, roads, trees and crops in the State of New Jersey; and

WHEREAS, Comprehensive field surveys were performed by the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), the Federal Highway Administration (FHWA), and the United States Department of Agriculture (USDA), in close coordination with the New Jersey Office of Emergency Management (NJOEM) and other State agencies and these surveys have evaluated, quantified and verified the extent, magnitude and impact of these extraordinarily destructive weather events upon the affected counties; and

WHEREAS, These weather events pose a continuous threat and constitute a disaster from a natural cause which threatens and endangers the health, safety and resources of the residents of more than one municipality and county of this State and these events have caused damage that is too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App.A: 9-30 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A.38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a State of Emergency has occurred and presently exists in the Counties of Mercer and Burlington.

NOW, THEREFORE, in accordance with the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4), I hereby authorize the Adjutant General of the New Jersey National Guard to order to active duty such members of the New Jersey National Guard that, in his judgment, are necessary to provide aid and recovery assistance to those localities where there is a threat or danger to the public health, safety, and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

FURTHERMORE, in accordance with the Law of 1942, Chapter 251, as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the New Jersey Office of Emergency Management, to coordinate the recovery effort from this natural disaster with all Federal, State, county and local government agencies, volunteer organizations and the private sector.

FURTHERMORE, the Superintendent of the Division of State Police is hereby authorized to order the evacuation of all persons, except for those emergency and governmental personnel whose presence he deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251, I reserve the right to utilize and employ all available resources of the State government and each and every political subdivision of the State,

whether persons, properties or instrumentalities, necessary to protect against this emergency.

FURTHERMORE, I am directing the Secretary of Agriculture, in coordination with the Superintendent of the Division of State Police as the State Director of Emergency Management, to apply to the U.S. Department of Agriculture for an Agricultural Disaster Declaration and to identify other available assistance for farmers in the affected areas.

FURTHERMORE, I am directing the Commissioner of Transportation, in coordination with the Superintendent of the Division of State Police as the State Director of Emergency Management, to apply to the Federal Highway Administration for disaster assistance to repair and restore all eligible roadways, bridges and culverts in the affected areas.

FURTHERMORE, I am directing the chairperson of the State Hazard Mitigation Team to assemble the appropriate local, State and Federal agencies to evaluate and develop recommendations to reduce the affected areas' vulnerability to recurrent flooding.

This order shall take effect immediately and it shall remain in effect until such time as I determine that an emergency no longer exists.

Dated June 28, 1996.

EXECUTIVE ORDER NO. 54

WHEREAS, Assemblyman John S. Watson was born in Camden in 1924, served honorably with the United States Merchant Marine fleet during World War II, and devoted many years in public service to the people of the State of New Jersey; and

WHEREAS, Assemblyman Watson had the distinction of being Mercer County's first African-American Freeholder in 1970; and

WHEREAS, He became the State's first African-American chosen President of a Freeholder Board in 1977 in Mercer County; and

WHEREAS, he served the people of New Jersey in the Assembly for 12 years and sponsored, among other important measures, legislation

to preserve thousands of acres of farmland through the Open Space Preservation Bond Act; and

WHEREAS, He served as Chairman of the Assembly Appropriations Committee; and

WHEREAS, It is with deep sadness that we mourn the loss of Assemblyman Watson and extend our sincerest sympathy to his family and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Watson;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, July 9, 1996 in recognition and mourning of the passing of Assemblyman Watson.

2. This Order shall take effect immediately.

Dated July 9, 1996.

EXECUTIVE ORDER NO. 55

WHEREAS, William Thomas Cahill, born to Irish immigrants in Philadelphia in 1912, served more than thirty years of his life in public service to the people of his beloved State of New Jersey, culminating with his term as Governor from 1970 to 1974; and

WHEREAS, Governor Cahill's foresight and determined leadership brought extraordinary changes that still have a profound impact on the way our government operates today; and

WHEREAS, He will be remembered as a pioneer of tax reform in the State; and

WHEREAS, His efforts in creating the New Jersey Sports and Exposition Authority and attracting the football Giants to New Jersey have resulted in decades of enjoyment and entertainment for the people of New Jersey; and

WHEREAS, His prescient interest in environmental issues led to the creation of the Department of Environmental Protection and the passage of the Coastal Area Facility Review Act (CAFRA), setting a precedent of protecting the State's wetlands and coastal areas; and

WHEREAS, The Cahill Administration, reflecting its leader's devotion to pursuing the best public policy for the citizens of the State, established the Division of Consumer Affairs to field, investigate and act upon consumer complaints; reconstituted the Board of Public Utilities to oversee and regulate the rates of the State's utility companies more effectively; established the Department of Community Affairs with the primary goal of pursuing a comprehensive urban development agenda; and created the Division of Youth and Family Services to protect abused and neglected children throughout the State; and

WHEREAS, Governor Cahill oversaw the implementation of the New Jersey Lottery, which was the nation's first daily Statewide lottery, and, indeed, purchased the State's first lottery ticket on December 16, 1970; and

WHEREAS, In an act of gracious bipartisanship he appointed his predecessor, Governor Richard J. Hughes, to be Chief Justice of the State Supreme Court; and

WHEREAS, In the wake of the prison riot in Attica in New York State that resulted in many deaths, he drew national accolades for participating personally in negotiations on Thanksgiving Day in 1971 that quelled an inmate uprising at Rahway State Prison without the loss of a single life; and

WHEREAS, He did not permit his public service to the State to detract from his love and devotion to his large family and many friends; and

WHEREAS, It is with deep sadness that we mourn the loss of Governor Cahill and extend our sincere sympathies to his family and friends; and

WHEREAS, It is fitting and appropriate for the State of New Jersey to mourn the passing of Governor Cahill and to honor his selfless career in fulfilling what he termed his "civic duty" to our State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Tuesday, July 9, 1996 and through and including Monday, July 22, 1996 in recognition and mourning of the passing of Governor William T. Cahill.

2. This Order shall take effect immediately.

Dated July 9, 1996.

EXECUTIVE ORDER NO. 56

WHEREAS, Executive Order No. 53, declaring a state of emergency, was issued on June 28, 1996 because of severe weather conditions; and

WHEREAS, The severity of the conditions necessitating the declaration of a state of emergency has eased;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, declare that the state of emergency is hereby terminated effective at noon on July 12, 1996.

Dated July 12, 1996.

EXECUTIVE ORDER NO. 57

WHEREAS, Robert N. Wilentz, born in Perth Amboy in 1927, devoted more than twenty years of his life in public service to the people of the State of New Jersey; and

WHEREAS, In 1965, he was elected to the General Assembly and served for two terms; and

WHEREAS, He was appointed Chief Justice of the New Jersey Supreme Court by Governor Brendan Byrne in 1979 and subsequently provided leadership of the highest order until his retirement; and

WHEREAS, Through his keen administrative judgment and his dedication to the independence of the judiciary, Chief Justice Wilentz was the primary force in making the New Jersey State court system the envy of the nation; and

WHEREAS, The extensive jurisprudence of the Wilentz Court, including opinions that upheld mandatory prison terms for persons convicted of crimes that involve the use of guns, recognized “battered women’s syndrome” as a defense for women charged in homicides, mandated that a municipality has an obligation to provide its fair share of low-income housing, banned surrogate-motherhood contracts, concluded that the State’s school-aid formula was unconstitutional and upheld the registration and community notification requirements contained in “Megan’s Law” helped significantly to shape New Jersey’s public policy for nearly two decades; and

WHEREAS, He brought pride to our State by drawing national recognition for his profound intellectual and administrative abilities during his remarkable tenure as the leader of the State’s courts; and

WHEREAS, He was devoted to his wife and family and was considerate and compassionate to his friends and colleagues; and

WHEREAS, It is with deep sadness that we mourn the loss of Chief Justice Wilentz and extend our sincere sympathies to his family and friends; and

WHEREAS, It is fitting and appropriate for the State of New Jersey to mourn the passing of Chief Justice Wilentz and to honor his distinguished career in public service to our State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in

me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Friday, July 26, 1996 and through and including Friday, August 2, 1996 in recognition and mourning of the passing of Chief Justice Robert N. Wilentz.

2. This Order shall take effect immediately.

Dated July 25, 1996.

EXECUTIVE ORDER NO. 58

WHEREAS, The State of New Jersey seeks to preserve the safety of its neighborhoods and communities while recognizing the rights of persons at State psychiatric facilities who have been found to be criminally insane; and

WHEREAS, Recent events at Greystone Park Psychiatric Hospital evidence a need to assess the manner in which the State houses and handles the criminally insane;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The creation of the Task Force for the Review of the Treatment of the Criminally Insane (hereinafter "Task Force") to study the current practices employed by State psychiatric facilities in housing and handling the criminally insane.

2. The Task Force shall be composed of the Attorney General or his designee; the Commissioner of the Department of Human Services or his designee; a designee of the New Jersey Supreme Court Chief Justice; a Senator to be appointed by the Senate President; an Assembly member to be appointed by the Assembly Speaker; and not more than five members of the public appointed by the Governor who may be professionals or

advocates experienced in the field of either criminal justice or mental health. The Governor shall designate a chairman and vice-chairman of the Task Force from among the members of the Task Force. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds therefor. The Department of Human Services and all other State departments and agencies are hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with the Task Force and to furnish it with such information, personnel and assistance as are necessary to accomplish the purposes of this Order.

3. The Task Force is charged with considering such issues as security at State psychiatric facilities and the rights of patients and persons who reside nearby. Among the issues the Task Force will consider are community notification of the identity of patients who leave hospital grounds who have been found not guilty by reason of insanity, and whether the current practice of housing the criminally insane with the general facility population is appropriate. The Task Force shall also identify possible options for the housing and handling of the criminally insane.

4. The Task Force shall complete its study and report to the Governor within six months of the date the Task Force first convenes.

5. This Order shall take effect immediately.

Dated September 12, 1996.

EXECUTIVE ORDER NO. 59

WHEREAS, Welfare reform is a priority of the Whitman Administration and for State government in general; and

WHEREAS, The "Personal Responsibility and Work Opportunities Reconciliation Act of 1996" was signed into federal law on August 22, 1996; and

WHEREAS, The principal goal of New Jersey's welfare reform initiative, entitled "Work First New Jersey," is to change the welfare system from an income maintenance program that fosters dependency among its participants into a temporary assistance system that

emphasizes the development of workforce readiness, fosters personal responsibility and encourages recipients to obtain full-time unsubsidized employment; and

WHEREAS, The scope of reform necessary to meet the far-reaching objectives of “Work First New Jersey” extends beyond the authority of the Department of Human Services and the services that it can provide; and

WHEREAS, Welfare reform in New Jersey shall include reforms in the areas of economic development, job training and development, banking, education, housing, transportation, technology and health services; and

WHEREAS, There is an immediate need for a comprehensive, coordinated plan and implementation involving various Departments of State government to address the broad array of challenges associated with successful welfare reform; and

WHEREAS, The Departments of Human Services, Banking and Insurance, Commerce and Economic Development, Community Affairs, Education, Health and Senior Services, Labor and Transportation are charged with the responsibility of implementing welfare reform in the State of New Jersey;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Within 30 days of the issuance of this Order, the Governor’s Office shall convene a “Work First New Jersey” Interdepartmental Coordinating Committee (“Committee”) that shall comprise the respective Commissioners of the Departments, or their designees, and members of the Governor’s staff as the Governor determines. The chairperson of the Committee shall be the Director of the Governor’s Office of Policy and Planning, or her designee.

2. The Committee shall develop and implement policies and programs within each Department that augment and support comprehensive welfare reform in New Jersey and implement the “Work First New Jersey” initiative.

3. The Committee shall receive administrative staff support as needed from the participating Departments.

4. This Order shall take effect immediately.

Dated October 22, 1996.

EXECUTIVE ORDER NO. 60

WHEREAS, The New Jersey Constitution of 1844 was amended in 1939 to authorize horse racing and pari-mutuel betting; and

WHEREAS, The Legislature in 1940 created the New Jersey Racing Commission and vested it with the authority to regulate horse racing and the system of pari-mutuel betting; and

WHEREAS, The Legislature in 1971 created the New Jersey Sports and Exposition Authority in, but not of, the Department of Community Affairs to promote the general welfare, health and prosperity of the people of the State, and the principal source of the Authority's revenue is from proceeds derived from pari-mutuel betting at race tracks operated by the Authority; and

WHEREAS, The Legislature in 1985 enacted the Simulcast Racing Act, which provided for pari-mutuel betting at one race track on a race at another race track, either in the State or out of the State; and

WHEREAS, Despite these significant changes to the laws regulating horse racing, there has been no thorough and comprehensive review of the entire horse racing industry since 1940; and

WHEREAS, The horse racing industry is feeling the strain of increased competition from other forms of legalized gambling in the State and from neighboring states that are expanding, or considering expanding, legalized gambling in a variety of ways, including telephone wagering on horse races and slot machines at race tracks; and

WHEREAS, Tens of thousands of people are employed in industries directly related to horse racing that play a vital role in preserving farmland in a State that values open space;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Racing Industry Study Commission, hereinafter referred to as the Commission.

2. The Commission shall consist of 17 members to be appointed as follows: two State Senators appointed by the President of the Senate, two State Assembly Members appointed by the Speaker of the Assembly, 13 members appointed by the Governor as follows: the Attorney General, the State Treasurer, the Secretary of Agriculture, the Commissioner of the Department of Commerce and Economic Development, one member of the New Jersey Racing Commission, one licensee of the New Jersey Racing Commission, one member of the New Jersey Sports and Exposition Authority, one private race track permit holder, one member of the Council on Compulsive Gambling of New Jersey, Inc., one member of the New Jersey Thoroughbred Horsemen's Benevolent Association, one member of the Thoroughbred Breeders Association of New Jersey, one member of the Standardbred Breeders and Owners Association of New Jersey, and one member of the Casino Association of New Jersey. The chairperson and vice-chairperson of the Commission shall also be designated by the Governor. All members of the Commission shall be appointed no later than December 1, 1996. Vacancies shall be filled in the same manner as the original appointments were made.

3. The Commission shall undertake a thorough and comprehensive study of the horse racing industry in New Jersey, including existing statutes and regulations, in-State competition for the gambling dollar and legislation in neighboring states that impacts on the economic growth and prosperity of New Jersey's horse racing industry.

4. The Commission shall meet as soon as practicable after December 1, 1996.

5. The Commission is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Commission and to

furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

6. The Commission shall file a report with the Governor no later than 6 months following the first meeting of the Commission, which report shall include short-range and long-range recommendations, including any recommendations for legislative bills.

7. This Order shall take effect immediately.

Dated October 31, 1996.

EXECUTIVE ORDER NO. 61

WHEREAS, Torrential rains and severe weather conditions occurred in the State of New Jersey on October 18 through October 21, 1996, bringing more than seven inches of rain in parts of the State; and

WHEREAS, This heavy precipitation resulted in severe flooding in the State, with many of the State's streams and rivers overflowing for a period of several days, causing substantial damage to structures, property, roads, bridges, drainage facilities and other facilities and systems; and

WHEREAS, According to the U.S. Geological Survey, this event was the flood of record along the Upper Passaic River; the Passaic River crested above the 100-year flood stage, and the Raritan and its North Branch crested just below the flood of record, making this the second highest recorded flood; and

WHEREAS, The flooding associated with this storm was of such magnitude that many of the State's roadways were impassable, leaving many residents stranded and without electrical utilities and heat; and

WHEREAS, Due to the emergent management needed to protect the health, safety and welfare of the people of New Jersey from the consequences of the severe flooding, I directed at 2 a.m. on Sunday, October 20, 1996, the activation of the State Emergency Operations Plan, including the activation of the State Emergency Operating Center in order that the center coordinate State emergency response and recovery activity; and

WHEREAS, On Monday, October 21, 1996, two State Rapid Deployment Teams were dispatched to the affected areas to assist overwhelmed local authorities with needs assessment and disaster recovery operations; and

WHEREAS, The circumstances above constituted a disaster from a natural cause which threatened and endangered the health, safety and resources of the residents of one or more municipalities or counties of this State, and which was in some parts of the State too large in scope to be handled by the normal municipal operating services;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, do memorialize the declaration and proclamation that a State of Emergency existed from October 18, 1996 through October 21, 1996, which emergency necessitated the exercise of emergency powers conferred upon the Governor of the State of New Jersey, pursuant to the Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App.A: 9-30 *et seq.*) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4) and all supplements and amendments thereto.

Dated November 6, 1996.

EXECUTIVE ORDER NO. 62

I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 29, 1996, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.
2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 29, 1996.

Dated November 20, 1996.

EXECUTIVE ORDER NO. 63

WHEREAS, Executive Order No. 60 established the Racing Industry Study Commission, consisting of 17 members; and

WHEREAS, In recognition of the appropriateness of having a representative of the casino industry on the Commission, Executive Order No. 60 provides that the membership of the Commission shall include a member of the Casino Association of New Jersey, but that Association, although it has not formally dissolved, has ceased active operations since Executive Order No.60 was issued; and

WHEREAS, It is appropriate for a member of the public to represent the public's interest on the Commission, and

WHEREAS, The public officers serving on the Commission in an ex officio capacity, namely the Attorney General, the State Treasurer, the Secretary of Agriculture and the Commissioner of the Department of Commerce and Economic Development, should have the discretion and flexibility to designate a member of their respective departments to represent them on the Commission;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Membership in the Racing Industry Study Commission created by Executive Order No. 60 is hereby expanded from 17 members to 19 members.

2. In addition to appointing a member of the Casino Association as provided for in Executive Order No. 60, the Governor shall, no later than December 31, 1996, appoint another representative of the casino industry from a casino that is not a member of the Casino Association of New Jersey to serve as a member of the Commission.

3. The Governor shall, no later than December 31, 1996, appoint a member of the public to serve as a member of the Commission.

4. The public officers serving on the Commission in their ex officio capacity, namely the Attorney General, the State Treasurer, the Secretary

of Agriculture and the Commissioner of the Department of Commerce and Economic Development, may designate a member of their respective departments to represent them on the Commission.

5. The New Jersey Sports and Exposition Authority is hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with the Commission and furnish it with such information, personnel and assistance as is reasonably available to accomplish the purposes of Executive Order No. 60 and this Order.

6. The remaining provisions of Executive Order No. 60 shall remain in full force and effect.

7. This Order shall take effect immediately.

Dated December 12, 1996.

EXECUTIVE ORDER NO. 64

WHEREAS, Senator C. William Haines was born in Mount Holly in 1928, served honorably with the 7th Cavalry during the Korean War, and devoted many years in public service to the people of the State of New Jersey; and

WHEREAS, Senator Haines served the people of New Jersey in both the General Assembly (1982-84) and the Senate (1985-96) and sponsored, among other important measures, legislation which created the Transportation Trust Fund which provides nearly \$1 billion per year in State and federal funds for transit needs, and legislation which benefited agriculture in this State; and

WHEREAS, He served as Chairman of the Senate Transportation Committee and Vice-Chairman of the Senate Senior Citizens, Veterans' Affairs and Agriculture Committee; and

WHEREAS, It is with deep sadness that we mourn the loss of Senator Haines and extend our sincerest sympathy to his family and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Senator Haines;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours from Monday, December 23, 1996 until Monday, December 30, 1996 in recognition and mourning of the passing of Senator Haines.

2. This Order shall take effect immediately.

Dated December 23, 1996.